

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

FRANCES EARLINE SIMS, individually  
and as dependent administrator of, and on  
behalf of, the ESTATE OF STEVEN  
MITCHELL QUALLS and STEVEN  
MITCHELL QUALLS' heir(s)-at-law,

Plaintiff,

VS.

CITY OF JASPER, TEXAS; Toderick D.  
Griffin; Sterling Ramon  
Linebaugh; Heather Rene O'Dell,  
and Joshua L. Hadnot,

Defendants

CIVIL ACTION NO. 1:20-CV-00124  
JURY DEMANDED

**DEFENDANTS, CITY OF JASPER, STERLING RAMON LINEBAUGH, Toderick  
Griffin, Joshua L. Hadnot and Heather O'Dell's Motion to Compel  
Psychiatric Examination and Motion for Extension of Time to  
Provide Psychiatric Expert Report**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CITY OF JASPER**, ("City" or "Defendant(s)'), **STERLING RAMON LINEBAUGH** ("Linebaugh" or "Defendant(s)'), **Toderick Griffin** ("Griffin" or "Defendant(s)'), **JOSHUA L. HADNOT** ("Hadnot" or "Defendant(s)") and **HEATHER O'DELL** ("O'Dell" or "Defendant(s)'), Defendants in the above-referenced cause, and files this their Motion to Compel Psychiatric Examination and Motion for Extension of Time to Provide Psychiatric Expert Report, and in support thereof, would respectfully show as follows:

**I.**

Defendants have requested an examination by Dr. Edward Gripon, Beaumont Psychiatrist in the above-referenced matter. Counsel for Plaintiff has advised he will not agree to the requested examination.

**II.**

The Plaintiff made their expert disclosure on October 6, 2020. At that time, they provided a report of a psychologist, relating to his interview and opinions regarding the mental anguish allegedly sustained by the named Plaintiff, Frances Earline Sims. Prior to that time, disclosures by Plaintiff did not reveal medical or psychiatric records for Ms. Sims, the Plaintiff herein.

**III.**

In a short amount of time, Defendants have located a psychiatric expert who indicated he can serve as an expert in this matter, Dr. Edward Gripon. Consequently, Defendants request the opportunity for Dr. Edward Gripon to examine the Plaintiff. Defendants believe this examination can be conducted via Zoom or other remote means, and request Plaintiff be ordered to participate in that examination beginning at 11:00a.m. on Wednesday, November 11, 2020.

**IV.**

Defendants should be allowed this examination to rebut the testimony of Plaintiff's recently identified psychologist. Defendants also request following said examination Dr. Gripon be allowed 7 days from date of examination to supplement his report in this matter.

WHEREFORE, PREMISES CONSIDERED, Defendants, **CITY OF JASPER, STERLING RAMON LINEBAUGH, TODERICK GRIFFIN, JOSHUA L. HADNOT** and and **HEATHER O'DELL** requests the court enter an order instructing Plaintiff to appear for a psychiatric examination by Dr. Edward Gripon at 11:00a.m. on Wednesday, November 11, 2020, and an extension of the Defendants' deadline for Dr. Gripon to supplement his report in this matter until 7 days after the date of the psychiatric examination, and such other and further relief, both general and special, at law or in equity, to which Defendants may show itself to be justly entitled,

Respectfully submitted,

**CALVERT EAVES CLARKE & STELLY, L.L.P.**  
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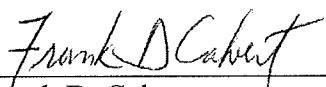
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**ATTORNEYS FOR DEFENDANTS,  
CITY OF JASPER, STERLING RAMON  
LINEBAUGH, TODERICK GRIFFIN,  
JOSHUA L. HADNOT and HEATHER  
O'DELL**

**CERTIFICATE OF CONFERENCE**

Defendants has conferred with counsel for Plaintiff and this motion is opposed.

  
Frank D. Calvert

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was furnished to all counsel of record by electronic filing on this 30<sup>th</sup> day of October, 2020.

  
Frank D. Calvert